



House of Representatives

General Assembly

File No. 340

January Session, 2005

Substitute House Bill No. 6879

House of Representatives, April 13, 2005

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING REVISIONS TO THE MERCURY REDUCTION PROVISIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-613 of the general statutes is amended by
2 adding subdivision (13) as follows (*Effective July 1, 2005*):

3 (NEW) (13) "Button cell battery" does not mean a silver oxide watch
4 battery.

5 Sec. 2. Subsection (a) of section 22a-617 of the general statutes is
6 repealed and the following is substituted in lieu thereof (*Effective July*
7 *1, 2005*):

8 (a) Except as provided in section 22a-618, except for products that
9 contain a mercury-containing lamp used for backlighting that cannot
10 feasibly be removed by the purchaser and except for [specialized
11 lighting used in the entertainment industry such as metal halide lights]
12 high intensity discharge lamps containing more than one hundred

13 milligrams of mercury including metal halide lamps, mercury vapor
14 lamps, mercury capillary lamps, mercury-xenon short-arc lamps and
15 mercury short-arc lamps, no person shall offer for sale or distribute for
16 promotional purposes any mercury-added product if: (1) After July 1,
17 2004, the mercury content of the product exceeds one gram in the case
18 of fabricated mercury-added products or two hundred fifty parts per
19 million in the case of formulated mercury-added products; and (2) on
20 and after July 1, 2006, the mercury content of the product exceeds one
21 hundred milligrams in the case of fabricated mercury-added products
22 or fifty parts per million in the case of formulated mercury-added
23 products.

24 Sec. 3. Subsection (g) of section 22a-619 of the general statutes is
25 repealed and the following is substituted in lieu thereof (*Effective July*
26 *1, 2005*):

27 (g) (1) Manufacturers shall meet all the requirements of this section
28 for large appliances, including, but not limited to, washers, dryers,
29 ovens, including microwave ovens, refrigerators, air conditioners,
30 dehumidifiers or portable heaters sold in a store where such appliance
31 is on display, except that no package labeling shall be required; (2)
32 manufacturers shall meet all the requirements of this section for
33 mercury fever thermometers, except that no product labeling shall be
34 required; (3) in the case of vehicles, (A) manufacturers shall meet the
35 product labeling requirements of this section for vehicles by placing a
36 label on the doorpost of the vehicles that lists the mercury-added
37 components that may be present in the vehicle, and (B) manufacturers
38 shall not be required to label the mercury-added components of the
39 vehicle; (4) manufacturers of products that contain a mercury-
40 containing lamp used for backlighting that cannot feasibly be removed
41 by the purchaser shall meet the product labeling requirements of this
42 section by placing the label on the product or its care and use manual;
43 (5) manufacturers [shall meet all the requirements of this section for
44 button cell batteries containing mercury, except that no labeling shall
45 be required] of button cell batteries containing mercury and products
46 containing such batteries shall not be required to meet the

47 requirements of this section; (6) [in the case of products that contain
48 button cell batteries containing mercury as the only mercury
49 components, manufacturers shall meet the packaging requirements of
50 this section by including a label in the product instructions, if any, and
51 on the packaging, and no further product labeling shall be required]
52 manufacturers of luminaires shall meet the labeling requirements of
53 this section by providing information on their websites and in their
54 catalogs; (7) manufacturers of fluorescent lights and high-intensity
55 discharge lamps shall meet the labeling requirements of this section by
56 labeling the product packaging; and (8) manufacturers of medical
57 equipment not intended for use by nonmedical personnel are exempt
58 from this section.

59 Sec. 4. Subsection (f) of section 22a-620 of the general statutes is
60 repealed and the following is substituted in lieu thereof (*Effective July*
61 *1, 2005*):

62 (f) The following are exempt from the provisions of this section: (1)
63 Formulated mercury-added products intended to be consumed in use,
64 including, but not limited to, reagents, cosmetics, pharmaceuticals and
65 other laboratory chemicals; (2) fabricated mercury-containing products
66 where the only mercury is contained in a component that cannot
67 feasibly be removed by the purchaser including, but not limited to,
68 electronic products whose only mercury-added component is a
69 mercury-containing lamp used for backlighting provided such
70 manufacturer or trade association maintains a web-based service to
71 provide information on recycling and safe disposal of such products;
72 (3) photographic film and paper; (4) a manufacturer or trade
73 association of mercury-containing lamps that maintains a toll-free
74 telephone number and an Internet-based service to provide
75 information on recycling and safe disposal of such lamps and directs
76 consumers to such telephone number and service on any statutorily-
77 required package label; (5) button cell batteries containing mercury
78 and products containing such batteries; and [(5)] (6) any other product
79 for which the commissioner determines a collection plan is not
80 feasible.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2005</i>	22a-613
Sec. 2	<i>July 1, 2005</i>	22a-617(a)
Sec. 3	<i>July 1, 2005</i>	22a-619(g)
Sec. 4	<i>July 1, 2005</i>	22a-620(f)

ENV *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Environmental Protection	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

It is anticipated the Department of Environmental Protection (DEP) would incur a negligible workload decrease due to a reduction in the number of exemptions they would have to process. No fiscal impact is anticipated.

OLR Bill Analysis

sHB 6879

**AN ACT CONCERNING REVISIONS TO THE MERCURY
REDUCTION PROVISIONS****SUMMARY:**

This bill broadens the exemptions from the laws (1) banning the sale and distribution of certain products containing mercury, (2) requiring labeling regarding the mercury content of certain products to which mercury has been added, and (3) barring people from selling or distributing for promotional purposes certain mercury-added products unless its manufacturer has submitted a plan for its collection to the Department of Environmental Protection.

EFFECTIVE DATE: July 1, 2005

LABELING***Requirements***

Current law requires labeling regarding the mercury content of (1) certain products containing mercury and (2) either their packaging or instruction manuals. Labels must be clearly visible, and sufficient to notify the purchaser, in words or symbols, that the product contains mercury and should be disposed of properly.

Button Cell Batteries/Products

Under current law, button cell batteries containing mercury need not be individually labeled, but must meet other labeling requirements. Any product whose only mercury components are button cell batteries does not require a label on the product itself, but must include a label on the product instructions, if any, and on the packaging.

Except for silver oxide watch batteries, the bill exempts manufacturers from labeling (1) button cell batteries containing mercury and (2) products containing such batteries (apparently including products that themselves contain mercury).

Luminaires

The bill permits manufacturers of luminaires (light fixtures) to comply with labeling requirements by providing information on their websites and in their catalogs.

COLLECTION

The law requires that manufacturers of certain mercury-added products prepare plans for collecting those products. The collection system must include, among other things, an educational component, a targeted capture rate, an implementation and financing plan, and a recycling or disposal plan.

Except for silver oxide watch batteries, the bill exempts from these requirements manufacturers of (1) button cell batteries containing mercury and (2) products containing such batteries.

HIGH INTENSITY LAMPS

Starting July 1, 2006, current law bans the sale or distribution of products containing more than 100 milligrams of mercury. It exempts from these requirements certain products, including specialized lighting used in the entertainment industry, such as metal halide lights. The bill eliminates the reference to specialized lighting used in the entertainment industry, but retains the exemption for metal halide lights, and extends the exemption to high intensity discharge lamps containing more than 100 milligrams of mercury, including mercury vapor lamps, mercury capillary lamps, and mercury-xenon and mercury short-arc lamps.

BACKGROUND***Mercury Education and Reduction Act***

PA 02-90 established a comprehensive scheme governing the sale, use, distribution, disposal and notification requirements for mercury and many products containing mercury. Besides banning the sale and distribution of certain products containing mercury, it required that products to which mercury had intentionally been added be labeled as to their mercury content.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 22 Nay 6